IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 16645 of 1995

Between:

Gadde Suryakantham, W/o. Rama Rao,
R/o. Ramachandrapuram, E.G.Dist.

..... PETITIONER

AND

1 The Mandal Revenue officer,
Seethanagaram, E.G.Dist.
2 The Settlement Officer,
Visakhaptnam.
3 The Director of Settlements,
A.P., Hyderabad.
4 The Commissioner of Survey, Settlements & Land Records,
A.P., Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Certiorari or any other appropriate writ or orders or direction calling for records in S.R.11(a)139/78 East Godavari District, dt.29-5-1989on the file of the 2nd respondent herein as reversed in R.P.No. 38/90(B1) dt.26.8.93 on the file of the 3rd respondent herein as reversed in Case No.P2/345/94 dt.7-6-1995 on the file of the 4th respondent herein and to quash the orders of the respondents 2 and 4 herein in S.R.11(a) 139/78 E.G.Dt.29-5-1989 and in Case No.P2/345/94 dt.7-6-1995 and for a consequential direction to the respondents herein to issue a patta in favour of the petitioner in R.S,No.166/4 of Purushothapatnam Village, Seethanagaram Mandal, E.G.Dist., admeasuring Ac1.01 cents.

Counsel for the Petitioner: MR.M.V.SURESH

Counsel for the Respondents 1 to 3: GP FOR REVENUE

Counsel for the Respondent No.4: MR. V.S.SWARNA REDDY

The Court made the following:

ORDER:

The present writ petition is filed aggrieved by the orders passed by the fourth respondent in Case No.P2/345/94, dated 07.06.1995 setting aside the order, dated 26.08.1993, of the third respondent.

The succinct facts of the case are as follows: -

Originally, one Sri Gadde Chandrayya, is the owner and pattadar of lands in Sy.No.166/1 to 166/4 of Ramachandrapuram Village and his name was also found in Amarakam accounts. Subsequently, after his death his son- Rama Rao, husband of the petitioner, inherited to his properties, and gifted Ac.1-00 cents each to his two sisters. Later, the petitioner purchased the land in Sy.No.166/4 to an extent of Ac.1-04 cents from one of the sisters of her husband. But, her claim for granting patta was rejected by the second respondent on 28.01.1979. Aggrieved by the same, she preferred a revision before the third respondent, whereunder the matter was remitted to the second respondent. But, as the second respondent again rejected her claim, she again filed a revision before the third respondent. On revision, the third respondent allowed the revision and granted patta in her favour in respect of the land in question. Challenging the same, the first respondent carried the matter in revision before the fourth respondent, who by his order dated 07.06.1995 set aside the orders of the third respondent. Hence, the writ petition.

Learned counsel for the petitioner argued that the petitioner has got right over an extent of Ac.1-04 cents in R.S.No.166/4 by virtue of a registered sale deed. He further argued that the findings of all the

authorities is to the effect that the petitioner's father-in-law was the original pattadar and possessor of the said land as per the Amarakam records. He further submitted that the petitioner filed W.P.M.P.No.2342 of 2005 to receive a certified copy of registered sale deed dated 08.03.1966 under which she purchased the land in question.

It is to be noted that this Court cannot go into disputed facts by exercising the jurisdiction under Article-226 of the Constitution of India. However, in view of the findings of the second respondent that the petitioner's father-in-law was in possession of the said land as on the notified date, the petitioner's claim over the land in question cannot be brushed aside only on the ground that no documentary evidence was adduced to prove her possession. But, however, the admitted fact remains that the petitioner purchased the said land from one of the sisters of her husband under a registered sale deed.

Under the above circumstances, the counsel for the petitioner sought liberty of this Court to make an appropriate application before the Settlement Officer-the second respondent afresh for grant of patta to the above extent contending that the petitioner is in possession of the land by virtue of a registered sale deed.

I see some force in the contention raised by the learned counsel for the petitioner. Accordingly, liberty is granted to the petitioner to make a fresh application before the second respondent for grant of patta. On such application, the second respondent is directed to consider the same afresh and dispose of the same in accordance with law within a period of eight weeks from the date of such application without being influenced by the order passed by the fourth respondent in Case No.P2/345/94 dated 07.06.1995 reversing the orders passed by the third respondent on 26.08.1993. Till such time, the interim orders passed by this Court shall continue.

With the above observation, the writ petition is disposed of. No order as to costs.

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T.MEENA KUMARI, J

10.03.2005

dr

To

1 The Mandal Revenue officer,
Seethanagaram, E.G.Dist.
2 The Settlement Officer,
Visakhaptnam.
3 The Director of Settlements,
A.P., Hyderabad.
4 The Commissioner of Survey, Settlements & Land Records,
A.P., Hyderabad.

5 2 CCs to Government Pleader for Revenue, High Court

Buildings, Hyderabad. (OUT)

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